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January 6, 2004

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VIA FEDERAL EXPRESS

Ms. Marlene H. Dortch, Secretary Federal Communications Commission 445 12 Street, S.W., Room TW-A325 Washington, DC 20554

Re:

Siete Grande Television, Inc.

Station WSTE-DT Ponce, Puerto Rico

Dear Ms. Dortch:

Submitted herewith on behalf of Siete Grande Television, Inc., licensee of Station WSTE-TV and permittee of Station WSTE-DT, Ponce, Puerto Rico, are an original and four copies of a Petition for Rulemaking to Amend the Table of Allotments for DTV Service to substitute channel 8 for channel 66 as WSTE-TV's DTV channel at Ponce, Puerto Rico. As is shown in the Petition and the annexed Engineering Statement, the substitution of core channel 8 for non-core channel 66 meets all requisite criteria set forth in the Commission's Rules and will facilitate the DTV transition so that the non-core channel can be made available for use by new services.

WSTE-DT was issued a construction permit to build its DTV facilities on September 30, 2003. As is shown in the Engineering Statement attached to the Petition, Siete Grande plans to co-locate its DTV facilities with its analog facilities at a new antenna site. In order to facilitate the timely construction of the DTV facilities it is respectfully requested that the Commission act expeditiously on this Petition for channel substitution.

Any questions regarding this Petition should be directed to the undersigned at the New York offices of this firm.

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DSN:214876.1/SIE030-184441

Hon. Marlene H. Dortch January 6, 2004 Page 2

Kindly acknowledge receipt of this filing by date stamping and returning the extra copy of this transmittal letter in the stamped self--addressed envelope provided herewith.

Very truly yours,

Stuart A. Shorenstein

cc: Nai Tam

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Before the FEDERAL COMMUNICATIONS COMMISSION Washington, DC 20554

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In the Matter of the)	
	j ·	MM Docket No.
Amendment of Section 73.622(b))	RM No.
of the Commission's Rules,)	
DTV Tableof Allotments)	
(Ponce, Puerto Rico)	ý	

To: Chief, Allocations Branch:

PETITION FOR RULEMAKING AND REQUEST FOR EXPEDITED ACTION

- 1. Siete Grande Television, Inc. ("Siete Grande") pursuant to Section73.623 of the Commission's rules, 47 C.F.R. Section 73.623, hereby requests that the Commission institute a rulemaking proceeding for the purpose of amending the Table of Allotments for digital television service ("DTV") to change the initial DTV channel allotment for Station WSTE-TV, Ponce, Puerto Rico, from channel 66 to channel 8. In light of the fact that the Commission has set a September 30, 2004 deadline for construction of WSTE-DT's facilities, Siete Grande respectfully requests expedited action on this Petition.
- 2. Siete Grande is the licensee of television station WSTE-TV, Ponce, Puerto Ricvo, which currently operates on NTSC channel 7. WSTE-DT was allotted channel 66 in the Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Order, Mass Media Docket 87-268. Channel 66, however, is outside the core television spectrum as adopted by the Commission. As a result, Siete Grande would eventually need to transition

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WSTE-DT to a channel within the future core television spectrum. Such a transition would impose an unnecessary burden upon Siete Grande by requiring it to construct a second DTV facility for WSTE-DT during the DTV transition. Additionally, it would delay the availability of spectrum occupied by DTV channel 66 for use by new services. Further, the channel substitution will not affect the existing channel assignment of any other Commission licensee or permittee.

- 3. Because a suitable channel is currently available within the future core television spectrum, Siete Grande proposes to amend the DTV Table of Allotments to substitute channel 8 in lieu of channel 66 at Ponce, Puerto Rico, for use of WSTE-DT. As demonstrated in the attached engineering exhibit prepared by Evans and Associates, the requested facilities fully comply with all aspects of the Commission's DTV rules.
- 4. In this regard it is specifically observed that the proposed substitution of channel 8 for WSTE-DT fully complies with the principal community coverage requirements of Section 73.625(a) of the Commission's rules. Moreover, Siete Grande's proposal herein fully complies with the *de minimis* interference criteria of Section 73.623(c)(2) of the Commission's rules. It is anticipated that Siete Grande will co-locate channel 8's transmitter with WSTE-TV's NTSC facilities on channel 7. Siete Grande has filed a minor modification of license application (File No. BPCT-20031106AJH) to move its transmitter site to a new location it identified following notification from the landlord of its existing site that the transmitter lease is being terminated. Siete Grande plans to collocate its NTSC and DTV facilities at the new site.
- In sum, Siete Grande's proposed substitution of channel 8 for channel 66 for
 WSTE-DT is fully consistent with Commission rules and will help facilitate an efficient use of

Commission spectrum. Siete Grande respectfully requests that the Commission expeditiously commence a rulemaking proceeding to amend the DTV Table of Allotments to allot and assign DTV channel 8 (in lieu of channel 66) to Ponce, Puerto Rico, for use by WSTE-DT.

Respectfully submitted,

SIETE GRANDE TELEVISION, INC.

By: Strut Strutte

Stuart A. Shotenstein

Wolf, Block, Schorr & Solis-Cohen LLP

250 Park Avenue

New York, NY 10177

Tel: 212-883-4923 Fax: 212-672-1123

Dated: January 6, 2004



Engineering Exhibit
In Support of a Petition for
Rulemaking to Amend the
DTV Table of Allotments
WSTE-DT, Ponce, Puerto Rico
Siete Grande Television, Inc.

Introduction

This Engineering Statement and attached Exhibits have been prepared on behalf of Siete Grande Television, Inc. (herein Siete Grande), licensee of television station WSTE(TV), Ponce, Puerto Rico, in support of a petition for rulemaking to amend the DTV Table of Allotments in Section 73.622(b) of the FCC Rules. Siete Grande proposes substitution of DTV channel 8 for DTV channel 66 at Ponce, Puerto Rico. The substitution will provide WSTE-DT a channel within the core television spectrum. The requested change to the DTV Table of Allotments can be made in full conformance with the FCC Rules.

Background

WSTE, the analog station on Channel 7, presently utilizes a unique multiple-transmitter facility that consists of three licensed booster stations and one auxiliary site near Ponce. The main transmitter site, which is further north of Ponce, is currently dark. This does not cause a problem with respect to continued service on Channel 7, since the station's license requires that the main transmitter, which is capable of providing only limited service area coverage, must be turned off in order to avoid destructive interference to the multiple transmitting facilities (the auxiliary site and the three booster sites) that are necessary to achieve island-wide coverage. The multiple transmitter operation was permanently licensed in 1992 and has operated in a stable fashion since.

In the Second Memorandum Opinion and Order On Reconsideration of the Fifth and Sixth Report and Orders in FCC Mass Media Docket 87-268, WSTE-DT was allotted DTV channel 66. However, channel 66 is outside the core television spectrum as adopted by the FCC. As a result, WSTE-DT would eventually need to move to a channel within the future core television spectrum. This will impose an unnecessary burden on Siete Grande, since they will need to construct a second DTV facility for WSTE-DT during the DTV transition. Additionally, it will delay the availability of spectrum occupied by the DTV channel 66 facility for use by new services.

An engineering analysis performed by this engineer in accordance with §73.623 of the FCC Rules demonstrates that WSTE-DT may operate on channel 8 in conformance with the interference protection requirements contained in that rules section. WSTE would be the logical



choice of station to receive a DTV assignment on Channel 8 because interference between adjacent NTSC/DTV facilities is best mitigated by co-location and is most easily controlled by a singular licensee. Siete Grande proposes to co-locate DTV Channel 8 with NTSC Channel 7 at a new site for which an FCC Form 301 application has been filed for Channel 7 (FCC File No. BPCT-20031106AJH).

Since a suitable channel is currently available within the future core television spectrum, Siete Grande requests that the DTV Table of Allotments in Section 73.622(b) of the FCC Rules be amended to reflect the substitution of DTV channel 8 for the existing DTV channel 66 allotment at Ponce, Puerto Rico. Furthermore, that the following reference facilities be employed for the DTV channel 8 allotment at Ponce.

Latitude: 18°-02'-52" N. Lat.

Longitude: 66°-39'-16" W. Long. (NAD 27)

Channel: 8

Maximum ERP: 50 kW

Antenna Radiation Center AMSL: 322.9 meters Directional Antenna Pattern: See Attached Figure 3

The site specified above is the site that WSTE has proposed for its Channel 7 transmitter in its pending FCC application.

Principal Community Coverage

The proposed substitution of DTV channel 8 for DTV channel 66 at Ponce, Puerto Rico, complies with the principal coverage requirements of Section 73.625(a) of the FCC Rules. The DTV principal community contour for the proposed DTV channel 8 allotment at Ponce, Puerto Rico, is the 43 dBu F(50,90) contour. Figure 1 of this exhibit is a map showing that all of Ponce, Puerto Rico, is well within the predicted DTV channel 8 principal community coverage contour.

Allocation Considerations

The requested substitution of DTV channel 8 for DTV channel 66 at Ponce, Puerto Rico, complies fully with the de minimus interference criteria of Section 73.623(c)(2) of the FCC Rules. An analysis of the proposed DTV channel 8 allotments with respect to existing NTSC and DTV allotments and assignments was conducted employing the methodology described in FCC Office of Engineering Technology (OET) Bulletin No. 69, Longley-Rice Methodology for Evaluating TV Coverage and Interference, and using the FCC application processing software computer program which duplicates the FCC's OET Bulletin 69 interference studies.



The output of the computer analysis is shown in attached Figure 2. The analysis demonstrates the following:

- The instant proposal would cause no interference to WSVI, Channel 8 in Christiansted, Virgin Islands.
- The instant proposal is predicted to cause interference to only 0.34% of the population that is served by WSUR-TV, Channel 9 in Ponce, Puerto Rico, well within the 2% threshold.

Conclusion

The substitution of DTV channel 8 for DTV channel 66 at Ponce, Puerto Rico can be made in full conformance with FCC Rules. The substitution will further permit WSTE-DT to commence DTV operations on a channel that is within the future core television spectrum, eliminating the need for the transition to a new DTV channel at a later date. The substitution will also serve to make more spectrum outside the future core television spectrum available sooner for other new services.

B. Benjamin Evans, P.E.

Consulting Engineer for Siete Grande Television, Inc.

& Bryen Ea

January 5, 2004



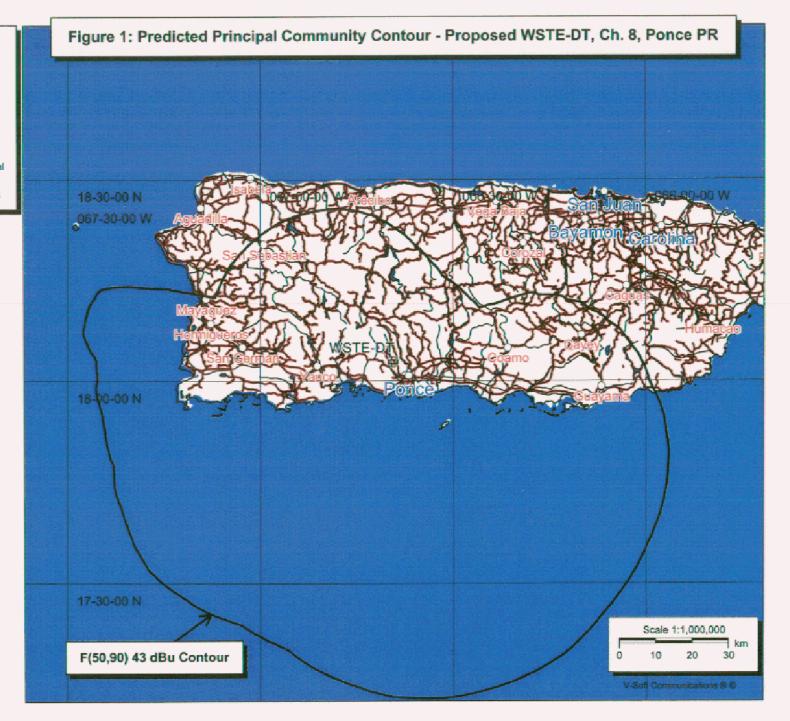
WSTE-DT

Latitude: 18-02-52 N Longitude: 066-39-16 W ERP: 50.00 kW

Channel: 8

Frequency: 183.0 MHz AMSL Height: 322.9 m Elevation: 255.8 m HAAT: 88.13 m

Horiz. Pattern: Directional Vert. Pattern: No Prop Model: Sec. 73.313



TV INTERFERENCE and SPACING ANALYSIS PROGRAM

Date: 11-26-2003 Time: 13:52:36

Record Selected for Analysis

WSTE-DT USERRECORD-01 PONCE PR US

Channel 08 ERP 50. kW HAAT 174. m RCAMSL 00323 m

Latitude 018-02-52 Longitude 0066-39-16

Status APP Zone 2 Border

Dir Antenna Make usr Model USRPAT01 Beam tilt N Ref Azimuth 0.001 Last update Cutoff date Docket

Comments Applicant

Cell Size for Service Analysis 2.0 km/side

Distance Increments for Longley-Rice Analysis 1.00 $\ensuremath{\text{km}}$

Facility meets maximum height/power limits

ERP	HAAT	36.0 dBu F(50,90)
(kW)	(m)	(km)
4.205	33.0	48.0
0.720	33.0	37.4
3.125	255.1	81.3
28.879	307.9	101.2
45.125	305.0	104.8
32.000	263.4	99.9
34.443	170.5	92.7
36.981	33.0	62.7
	(kW) 4.205 0.720 3.125 28.879 45.125 32.000 34.443	(kW) (m) 4.205 33.0 0.720 33.0 3.125 255.1 28.879 307.9 45.125 305.0 32.000 263.4 34.443 170.5

Evaluation toward Class A Stations

No Spacing violations or contour overlap to Class A stations

Class A Evaluation Complete

SPACING VIOLATION FOUND BETWEEN STATION

WSTE-DT 08 PONCE

PR USERRECORD01

and station

SHORT TO: WSTE 07 PONCE PR BPCT 19850822KN

018-09-17 0066-33-16

Req. separation \Rightarrow 11.0 \iff 125.0 Actual separation 15.9 Short 109.1(4.9) km

SHORT TO: WSTE 07 PONCE PR BLCT 1809

018-09-17 0066-33-16

Req. separation \Rightarrow 11.0 \iff 125.0 Actual separation 15.9 Short 109.1(4.9) km

SHORT TO: WSVI 08 CHRISTIANSTED, ST. C VI BLCT 19970514KE

017-45-21 0064-47-56

Req. separation 273.6 Actual separation 199.3 Short 74.3 km

SHORT TO: WSUR-TV 09 PONCE PR BLCT 19940823KE

018-10- 9 0066-34-36

Req. separation => 11.0 <= 125.0 Actual separation 15.8 Short 109.2(4.8) km

Proposed facility OK to FCC Monitoring Stations

Proposed facility OK toward West Virginia quite zone

Proposed facility OK toward Table Mountian

Proposed facility is beyond the Canadian coordination distance

Proposed facility is beyond the Mexican coordination distance

Proposed station is OK toward AM broadcast stations

Start of Interference Analysis

Proposed Station

Channel Call City/State ARN

08 WSTE-DT PONCE PR USERRECORD01

Stations Potentially Affected by Proposed Station

Chan	Call	City/State	Dist(km)	Status	Application	on Ref. No.
07	WSTE	PONCE PR	15.9	CP	BPCT	-19850822KN
07	WSTE	PONCE PR	0.0	APP	BPCT	-20031106AJH
07	WSTE	PONCE PR	15.9	LIC	BLCT	-1809
08	WSVI	CHRISTIANSTED, ST. C V	I 198.9	LIC	BLCT	-19970514KE
09	WSUR-TV	PONCE PR	15.8	$_{ m LIC}$	BLCT	-19940823KE

Analysis of Interference to Affected Station 1

NTSC Baseline Analysis

Channel Call City/State Application Ref. No.
07 WSTE PONCE PR DTVPLN -NPLN0498

Stations Potentially Affecting This Station

Chan Call City/State Dist(km) Status Application Ref. No. 08 WSVI CHRISTIANSTED VI 190.8 PLN DTVPLN -NPLN0572

Results for: 7N PR PONCE DTVPLN NPLN0498 PLN POPULATION AREA (sq km) within Noise Limited Contour 3806722 47176.6 not affected by terrain losses 3605831 46291.6 lost to NTSC IX 2253 32.0 lost to additional IX by ATV 0.0 0 2253 32.0 lost to all IX

Analysis of current record

Channel Call City/State Application Ref. No.
07 WSTE PONCE PR BPCT -19850822KN

Stations Potentially Affecting This Station

Chan Call City/State Dist(km) Status Application Ref. No.
08 WSVI CHRISTIANSTED, ST. C VI 190.8 LIC BLCT -19970514KE
08 WSTE-DT PONCE PR 15.9 APP USERRECORD-01

Total scenarios = 1

Result key: 1

Scenario 1 Affected station 1

Before Analysis

Results for: 7N PR PONCE BPCT 19850822KN CP POPULATION AREA (sq km) within Noise Limited Contour 3806722 47176.6 not affected by terrain losses 3605831 46291.6 32.0 lost to NTSC IX 2253 lost to additional IX by ATV 0 0.0 lost to all IX 2253 32.0

Potential Interfering Stations Included in above Scenario 1

8N VI CHRISTIANSTED, ST. C BLCT 19970514KE LIC

After Analysis

19850822KN CP Results for: 7N PR PONCE BPCT POPULATION AREA (sq km) within Noise Limited Contour 3806722 47176.6 not affected by terrain losses 3605831 46291.6 lost to NTSC IX 2253 32.0 3607 16.0 lost to additional IX by ATV lost to all IX 5860 48.1

Potential Interfering Stations Included in above Scenario 1

8N VI CHRISTIANSTED, ST. C BLCT 19970514KE LIC 8A PR PONCE USERRECORD01 APP

**

Analysis of Interference to Affected Station 2

Analysis of current record

Channel Call City/State Application Ref. No.

07 WSTE PONCE PR BPCT -20031106AJH

Stations Potentially Affecting This Station

Chan Call City/State Dist(km) Status Application Ref. No. 08 WSVI CHRISTIANSTED, ST. C VI 198.9 LIC BLCT -19970514KE

08 WSTE-DT PONCE PR 0.0 APP USERRECORD-01

Total scenarios = 1

Result key:

Scenario 1 Affected station 2

Before Analysis

Results for: 7N PR PONCE BPCT 20031106AJH APP POPULATION AREA (sq km) 10813.0 within Noise Limited Contour 981693 not affected by terrain losses 711047 9541.5 lost to NTSC IX 0 0.0 lost to additional IX by ATV 0 0.0 0 lost to all IX 0.0

Potential Interfering Stations Included in above Scenario 1

After Analysis

Results for: 7N PR PONCE BPCT 20031106AJH APP POPULATION AREA (sq km) within Noise Limited Contour 981693 10813.0 not affected by terrain losses 711047 9541.5 lost to NTSC IX 0 0.0 lost to additional IX by ATV 17 8.0 lost to all IX 17 8.0

Potential Interfering Stations Included in above Scenario 1

8A PR PONCE USERRECORD01 APP

Analysis of Interference to Affected Station 3

Analysis of current record

Channel Call City/State

07 WSTE PONCE PR

Application Ref. No. BLCT -1809

Stations Potentially Affecting This Station

Call Chan City/State Dist(km) Status Application Ref. No.

CHRISTIANSTED, ST. C VI 190.8 LIC 08 WSVI BLCT -19970514KE

WSTE-DT PONCE PR 08 15.9 APP USERRECORD-01

Total scenarios = 1

Result key:

Scenario

1 Affected station 3

Before Analysis

Results for: 7N PR PONCE

BLCT 1809

LIC

POPULATION AREA (sq km) within Noise Limited Contour 3802286 44320.2 42057.3

not affected by terrain losses 3416946 lost to NTSC IX 0 lost to additional IX by ATV 0

lost to all IX 0

Potential Interfering Stations Included in above Scenario 1

After Analysis

Results for: 7N PR PONCE

1809 LIC BLCT

0.0

0.0

0.0

POPULATION AREA (sq km) within Noise Limited Contour 3802286 44320.2 not affected by terrain losses 3416946 42057.3 lost to NTSC IX 0 0.0

lost to additional IX by ATV 9133 44.1 9133 44.1 lost to all IX

Potential Interfering Stations Included in above Scenario 1

8A PR PONCE

USERRECORD01

APP

Analysis of Interference to Affected Station 4

Analysis of current record

Channel

Call City/State

Application Ref. No.

ΛR

CHRISTIANSTED, ST. C VI BLCT -19970514KE

Stations Potentially Affecting This Station

Chan Call City/State 07 WSTE PONCE PR

Dist(km) Status Application Ref. No. 190.8 CP

BPCT -19850822KN

09 WSUR-TV PONCE PR 193.5 LIC

BLCT

-19940823KE

08 WSTE-DT PONCE PR Proposal causes no interference

198.9 APP USERRECORD-01

Analysis of Interference to Affected Station 5

NTSC Baseline Analysis

Channel Call City/State

Application Ref. No.

0.9 WSURTV PONCE PR DTVPLN -NPLN0621

Stations Potentially Affecting This Station

Chan Call City/State CHRISTIANSTED VI 8.0 WSVI

Dist(km) Status Application Ref. No. 193.5 PLN

-NPLN0572

10 WBNBTV CHARLOTTE AMALIE VI

173.4 PLN

DTVPLN DTVPLN -NPLN0690

Results for: 9N PR PONCE

DTVPLN NPLN0621 PLN

POPULATION AREA (sq km) within Noise Limited Contour 3797636 47564.8 not affected by terrain losses 3577553 46695.9 908.9 lost to NTSC IX 31226 0 lost to additional IX by ATV 0.0 31226 908.9 lost to all IX

Analysis of current record

09

Channel Call City/State Application Ref. No. WSUR-TV PONCE PR

BLCT -19940823KE

Stations Potentially Affecting This Station

Chan Call City/State

CHRISTIANSTED, ST. C VI 193.5 LIC BLCT

Dist(km) Status Application Ref. No. -19970514KE

WSTE-DT PONCE PR

15.8 APP

USERRECORD-01

Total scenarios = 1

Result key:

4

Scenario

1 Affected station

Before Analysis

Results for: 9N PR PONCE

lost to NTSC IX

lost to all IX

BLCT19940823KE LIC

POPULATION AREA (sq km) within Noise Limited Contour 3797636 47564.8 not affected by terrain losses 3577553 46695.9 0 0.0 lost to additional IX by ATV 0 0.0 0 0.0

Potential Interfering Stations Included in above Scenario 1

After Analysis

Results for: 9N PR PONCE BLCT 19940823KE LIC POPULATION AREA (sq km) within Noise Limited Contour 3797636 47564.8 46695.9 not affected by terrain losses 3577553 lost to NTSC IX 0 0.0 lost to additional IX by ATV 12032 52.1 lost to all IX 12032 52.1 Potential Interfering Stations Included in above Scenario 1 8A PR PONCE USERRECORD01 ************** Analysis of Interference to Affected Station 6 Analysis of current record Application Ref. No. Channel Call City/State WSTE-DT 0.8 PONCE PR USERRECORD-01 Stations Potentially Affecting This Station Dist(km) Status Application Ref. No. City/State Chan Call PONCE PR 15.9 CP BPCT -19850822KN CHRISTIANSTED, ST. C VI 198.9 LIC BLCT -19970514KE 07 WSTE 80 WSVI -19940823KE WSUR-TV PONCE PR 15.8 LIC BLCT Total scenarios = 1 5 Result key: 1 Affected station Scenario Before Analysis APP USERRECORD01 Results for: 8A PR PONCE HAAT 174.0 m, ATV ERP 50.0 kW POPULATION AREA (sq km) 1741836 21252.3 within Noise Limited Contour not affected by terrain losses 1160071 19170.4 121467 702.0 lost to NTSC IX lost to additional IX by ATV 0 0.0 0.0 lost to ATV IX only 0 702.0 121467 lost to all IX Potential Interfering Stations Included in above Scenario 19850822KN CP BPCT 7N PR PONCE 19970514KE LIC 8N VI CHRISTIANSTED, ST. C BLCT BLCT 19940823KE LIC 9N PR PONCE ** FINISHED FINISHED FINISHED FINISHED FINISHED





Tabulation of Relative Fields Proposed WSTE-DT Antenna Radiation Pattern Channel 8 Ponce, Puerto Rico

Azimuth (°T)	Relative Field	Azimuth (°T)	Relative Field
0	0.29	180	0.95
10	0.20	190	0.78
20	0.15	200	0.61
30	0.12	210	0.62
40	0.12	220	0.77
50	0.12	230	0.83
60	0.13	240	0.71
70	0.15	250	0.60
80	0.19	260	0.65
90	0.25	270	0.83
100	0.35	280	0.95
110	0.47	290	0.99
120	0.59	296	1.00
130	0.71	300	0.99
140	0.81	310	0.91
150	0.95	320	0.81
160	0.99	330	0.68
164	1.00	340	0.56
170	0.99	350	0.42